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TAXATION—LEGACY TO CHARITABLE INSTITUTION.—In *Crook v. Wells, et al., Comr's*, the Court of Appeals of New York holds that a legacy given to a charitable institution, whose property is exempt from taxation, is not taxable while still in the hands of the executor. Although he may hold the property for one year, yet, with respect to taxation, it is to be considered the property of the legatee during that time.—*New York Law Journal*, Oct. 28, 1904.

LIBEL—UNJUSTIFIABLE CRITICISM.—In *Oscar L. Triggs v. The Sun Printing and Publishing Company*, decided Aug. 5, 1904, the New York Court of Appeals decided that where a newspaper publication ridicules the private life of an author, and represents him as a presumptuous literary freak, and is manifestly an attack upon his reputation or business, it is libelous *per se* and can not be justified on the ground that it is a jest.

The following quotation will give a fair idea of the character of the articles claimed to be libelous:

"If these plays are to be put upon the stage they must be rewritten, and Prof. Triggs is the destined rewriter, amender and reviser. The sapless, old-fashioned rhetoric must be cut down. The fresh and natural contemporary tongue, pure Triggisian, must be substituted. For example, who can read with patience these tinsel lines? 'Madam, an hour before the worshipped sun peered forth the golden window of the east, a troubled mind drave me to walk abroad.' This must be translated into Triggisian (meaning the literary style of writing of the plaintiff) somewhat like this: 'Say, lady, an hour before sunup I was feeling wormy, and took a walk around the block.' Here is more Shakespearian rubbish:

"O, she doth teach the torches to burn bright!
Her beauty hangs upon the cheek of night,
As a rich jewel in an Ethiop's ear."

How much more forcible in clear, concise Triggisian: 'Say, she's a peach! A bird! Hear 'Pop' Capulet drivel: 'Go to, go to. You are a sauncy boy!' In the Oscar dialect, this is this: 'Come off, kid. You're too fresh.' Compare the dropsical hifalutin:

"'Night's candles are burnt out, and jocund day
Stands tiptoe on the misty mountain's tops,'

with the time-saving Triggisian version: 'I hear the milk-man.' The downfall of Shakespeare is only a matter of time, and Triggs. Carnegie ought to endow Triggs. Oscar Hammerstein ought to dramatize Triggs. Triggs is the hope, and soon will be the pride, of the stage."

DEPOSITIONS IN SUITS IN EQUITY—WHAT IS THE EARLIEST POSSIBLE TIME AT WHICH DEPOSITIONS MAY BE TAKEN?—SEC. 3359 OF THE CODE. Section 3359 of the Code provides: "In any pending case, the deposition of a witness, whether a party to the suit or not, may be taken in this State by a notary, etc." Mr. Barton, in 2 Bart. Ch. Practice (2d ed.), 785, says that the cause must be set for hearing before the depositions are taken, and the person to be affected by